REMARKS

Claims 1 – 3 and 25 – 35 are currently pending in the Application. Claims 1 and 28 have been amended and new claims 29 – 35 have been added. Support for the amendments to claim 1 and new claims 29 – 35 may be found, for example, in the specification at paragraphs 44, 49, 68, 84, 190 and 193. The amendments to claim 28 are of a formal nature. Accordingly, no new matter has been added to the application in the foregoing amendments.

Examiner Interview

Applicant and the undersigned thank Examiner Saint Cyr for the courtesies extended during a phone Interview conducted on April 7, 2009, to discuss the present application and Office Action. During the Interview, the Examiner's prior art rejections were discussed, and in particular the Examiner's reading of the Brandt reference with respect to the present claims.

As a result of the Interview, the Examiner appeared to understand Applicant's position and interpretation of the prior art. However, the Examiner encouraged Applicant to submit such arguments in a formal paper, and such arguments are included below. No formal agreement was reached in the Interview.

Claim Rejection – § 103(a)

Claims 1 – 3 and 25 – 28 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,055,166 to Logan ("Logan") in view of U.S. Patent No. 6,646,655 to Brandt ("Brandt"). Applicant respectfully traverses this rejection.

Logan teaches a method of editing broadcast programming to provide some level of targeting. In this system, an editor of the broadcast programming signal (which includes "the user of the system, a broadcaster, or a third party") facilitates initial editing which is followed by some level of automation. A series of signals and comparisons of those signals is used in the automation process.

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Brandt teaches a method of generating a slide show which is displayed along simultaneously with a video stream. The slide show is generated based on the individual video frames of the input video stream. In the embodiments shown in Brandt, several different items (video, a slide show, etc.) are displayed simultaneously on a screen. (See Brandt, Fig. 13).

Claim 1 recites:

> A method for video detection and replacement, the method comprising:
>
> receiving an input video signal;
>
> creating a <u>temporal sliding window of initial length L seconds</u> and running the sliding window over at least a portion of the input video signal, such that at least a portion of the input video signal is captured by the temporal sliding window;
>
> comparing a first segment of the portion of the input video signal captured by the temporal sliding window of initial length L seconds to a portion of stored fingerprint data;
>
> <u>expanding the temporal sliding window to have an expanded length approximately equal to the length of the stored fingerprint data</u> if the first segment of the portion of the input video signal matches the portion of stored fingerprint data;
>
> comparing an expanded segment of the input video signal captured by the expanded window having the expanded length with the stored fingerprint data; and
>
> generating an output video signal comprising the input video signal, wherein the expanded segment of the input video signal is replaced with a replacement portion if the expanded segment of the input video signal matches the fingerprint data.

The combination of Logan and Brandt does not teach or suggest each and every element of independent claim 1.

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1) Brandt does not teach a sliding window

The Examiner argues that, "Logan et al did not explicitly disclose creating a sliding window of initial length L and running the sliding window over at least a portion of the input video signal." (Office Action, p. 3). The Examiner contends that, "Brandt et al disclose creating a sliding window" at figure 13 and column 3 lines 21 – 39. Applicants respectfully submit that Brandt does not teach or suggest this or an analogous concept.

Fig. 13 of Brandt discloses a video presentation with a "slide presentation." The slide presentation cannot be considered to be a "sliding window" as recited in independent claim 1, and certainly is not a "temporal sliding window of initial length L seconds." The "slide" in Fig. 13 of Brandt is a presentation slide, such as a slide created using Microsoft PowerPoint. Brandt teaches that, "When the video is played back on a computer system display, corresponding slides from the output slide set may be automatically displayed in a separate window of the display at the same time that the slide is under discussion in the video." (Brandt, column 3, lines 23 – 26). Thus, these slides are not "temporal sliding windows," since a static slide has no temporal element. Additionally, the slides in Brandt are not of an "initial length L seconds." Furthermore, the slides in Brandt do not "capture" any video, but rather are information which is displayed on screen and are not analogous or even similar to the "sliding windows" in claim 1. As such it is clear that Brandt does not teach a "temporal sliding window of initial length L seconds" which are developed "such that at least a portion of the input video signal is captured by the temporal sliding window," as recited in claim 1.

Furthermore, Brandt does not teach or suggest a "sliding window" of any sort. The Examiner apparently considers "creating a sliding window" to be the same as a "viewer is provided with slides." (Office Action, page 3). Applicant respectfully submits that such a construction is unfounded. There is simply no basis in Brandt or the art generally to define a temporally-based "sliding window" as a slide in a slide show. Pursuant to MPEP 2111.01, "the claims must be interpreted as broadly as their terms reasonably allow ... this means that the words of the claim must be given their plain

meaning unless the plain meaning is inconsistent with the specification." *See* Phillips v. AWH Corp., 415 F.3d 1303, 1313 (Fed. Cir. 2005), "the person of ordinary skill in the art is deemed to read the claim term…**in the context of the entire patent, including the specification**" (emphasis added). Thus, even though claims are given their broadest possible reasonable interpretation during examination, such interpretation cannot be inconsistent with the specification. *See* Phillips. "The ordinary and customary meaning of a claim term is the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention." (MPEP 2111.01(III)). Thus, whether using the plain meaning or guidance from the specification, the plain meaning of "sliding window" is not a slide in a slide show, as no person of ordinary skill in the art of video editing would understand the ordinary and customary meaning of the term "sliding window" to be the presentation of a slide show. To the extent that the Examiner disagrees and maintains that the plain meaning of "sliding window" is the same as a slide show, Applicant respectfully reminds the Examiner that this is not proper if the **"plain meaning is inconsistent with the specification. "**(MPEP 2111.01). The specification describes that, "A sliding window of length L seconds runs over the video, calculating the CCV fingerprints of the window." (Specification, paragraph 84). Thus, an interpretation of a sliding window being a slide in a slide show is wholly inconsistent with the plain meaning of such term as well as the specification and can only be viewed as such if the claim term is improperly read "in a vacuum," rather than "in the context of the written description."

For all of the above reasons, Brandt does not teach a "sliding window," let alone "creating a temporal sliding window of initial length L seconds and running the sliding window the input video signal, such that at least a portion of the input video signal is captured by the temporal sliding window," as recited in independent claim 1.

2) Brandt does not teach expanding a sliding window

The Examiner argues that Logan does not disclose, "expanding the sliding window of initial length L" as recited in claim 1. The Examiner contends that Brandt

discloses this element at column 17 lines 36 – 47. Applicant respectfully submits that Brandt does not disclose this or an analogous concept.

As an initial point, as discussed above, the Examiner's reading of Brandt is incorrect in that Brandt does not teach or suggest a "sliding window," and, as such, can not be viewed as teaching "expanding the sliding window." The Examiner reads the "zoom to match the size," functionality of Brandt as a teaching of "expanding the sliding window." As described in Brandt, "the inset frame may be zoomed ... to match the size to which the original frame would otherwise be." (Brandt, column 17, lines 38 – 41). The inset frame referred to is "a second video sequence," and not the slides. As such, even if a slide in a slide show is regarded as a sliding window, such slide is not "expanded", as recited in independent claim 1. Rather, in Brandt, a video sequence is expanded, and is completely unrelated to the item which the Examiner regards as the sliding window. As such, Brandt does not teach "expanding the sliding window."

Even if the Examiner disagrees, the zooming which occurs in Brandt is not expanded to an "expanded length approximately equal to the length of the stored fingerprint data if the first segment of the portion of the input video signal matches the portion of stored fingerprint data." First, the "length" in claim 1 is "L seconds," while a zooming function expands the object in physical size – not in any temporal manner. Second, there is no mention of expanding to the size of "fingerprint data," but only "zoomed to match the size to which the original frame would otherwise have been resized."

For all of the above reasons, Brandt does not teach or suggest a "expanding the temporal sliding window," let alone expanding it so the "expanded length approximately equal to the length of the stored fingerprint data if the first segment of the portion of the input video signal matches the portion of stored fingerprint data," as recited in claim 1.

For all of the above reasons, Logan and Brandt, when taken separately or in combination, fail to teach each and every element of claim 1, and, thus, the Examiner has failed to make a prima facie case for obviousness. Moreover, given the teachings of the

references, it would not have been obvious for one skilled in the art to result in the claimed subject matter given a combination of Logan and Brandt.

Accordingly, independent claim 1 is believed to be allowable over the proposed combination of Logan and Brandt. Dependant claims 2, 3 and 25 – 28 are believed to be allowable at least by their dependency on independent claims 1. Reconsideration and withdrawal of the Examiner's anticipation rejection of claims 1-3 and 25 – 28 are respectfully requested.

New independent claim 29 recites the elements of "capturing L seconds of the received input video signal," "comparing the captured input video signal to an L second long portion of stored fingerprint data," and, "if the captured input video signal matches the portion of the stored fingerprint data, capturing an additional contiguous portion of the received video signal, wherein the entire captured portion of the received input video signal is approximately equal in length to the length of the entire stored fingerprint data." For the same reasons that neither Logan nor Brandt teach similar features with respect to claim 1, they do not teach these features with respect to claim 29. Accordingly, independent claim 29 is believed to be allowable over the proposed combination of Logan and Brandt. Dependant claims 30 – 35 are believed to be allowable at least by their dependency on independent claims 29.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully submit that the Examiner's rejections have been overcome, and that the application, including claims 1 – 3 and 25 – 35, is in condition for allowance. Reconsideration and withdrawal of the Examiner's rejections and an early Notice of Allowance are respectfully requested.

Respectfully submitted,

Date: 4/21/09   By: _____

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